

REMARKS

Favorable reconsideration is respectfully requested in view of the previous amendments and following remarks.

At the outset, appreciation is expressed to Examiner Yoo for her time and attention during the September 17, 2010 telephonic interview with the undersigned regarding this application. The substance of the interview is reflected in the following remarks.

Claim 1, the only independent claim, is rejected as being unpatentable based on the disclosures in U.S. Application Publication No. 2002/0159915, hereinafter Zelina, and U.S. Patent No. 6,475,435, hereinafter Taggart.

Zelina discloses a system for supplying vapor hydrogen peroxide to an aseptic filling plant. The system includes a heating chamber 170 in which containers are heated by heaters 171 prior to entering a decontamination tunnel 11. The Official Action takes the position that, *inter alia*, Zelina's heating chamber 170 corresponds to a heating zone as recited in Claim 1, and that, in light of the disclosure in Taggart, an ordinarily skilled artisan would have modified Zelina's system to include means for maintaining a higher positive pressure in the decontamination tunnel 11 than in the heating chamber 170.

However, as discussed during the interview, as Zelina's heating chamber 170 does not include means for withdrawing vapor therefrom, an ordinarily skilled artisan would seek to avoid seepage of hydrogen peroxide gas into Zelina's heating chamber 170 in order to avoid the problem of condensation of the hydrogen peroxide on the containers. Thus, an ordinarily skilled artisan would not have included means

for maintaining a higher positive pressure in the decontamination tunnel 11 than in the heating chamber 170 in Zelina.

Moreover, Claim 1 is amended to recite that the means for heating comprises means for introducing and withdrawing hot air in the heating zone. This claim amendment is fully supported, for example, by the paragraph bridging pages 8 and 9 of the specification and the first full paragraph on page 9 of the specification. During the interview, it was noted that hot air is not introduced and withdrawn in Zelina's heating chamber 170 to heat the containers (instead, a heating element is used), and that Taggart does not cure this deficiency in Zelina.

Applicants therefore respectfully submit that amended Claim 1 is clearly patentably distinguishable from the disclosures in Zelina and Taggart. Withdrawal of the rejection of Claim 1 is therefore respectfully requested. During the interview, the Examiner agreed to reconsider the rejection of Claim 1 in light of a similar amendment.

The dependent claims are allowable at least by virtue of their dependence from allowable independent Claim 1. The dependent claims also recite further distinguishing aspects of the device at issue here. For example, new Claim 36 recites that the hot air introduced and withdrawn in the heating zone comprises hot sterile air.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 27, 2010

By: /Peter T. deVore/
Matthew L. Schneider
Registration No. 32814

Peter T. deVore
Registration No. 60361

Customer No. 21839
703 836 6620